

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

ORDER

03-CR-6033L

v.

TOMMY HARDY,

Defendant.

Three defendants are charged in this indictment. On August 19, 2005, the Government orally moved to sever the case against defendant Tommy Hardy (“Hardy”) because of a *Bruton* issue.¹ The Government intends to offer a statement at trial made by Hardy which implicates one of his co-defendants. The Government’s motion is granted, and the trial of Tommy Hardy will be severed from the trial of the remaining two defendants. Trial concerning Hardy is scheduled for September 23, 2005.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "David G. Larimer", is written over a horizontal line.

DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
August 19, 2005.

¹*Bruton v. United States*, 391 U.S. 123 (1968).

